IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1508 OF 2006

Shri Rajendra Shrawan Rajput ...Applicant

V/s

The State of Maharashtra ...Respondent.

Ms. Pranali Kakade for the applicant.
Ms. S.D. Shinde, APP for the State.

ALONGWITH
CRIMINAL APPLICATION NO. 1509 OF 2006

Shri Anil Madan Rajput ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Ms. Pranali Kakade for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 28th April, 2006

P.C.

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. Both these applications can be disposed of by a common order.

3. A complaint was registered against the present applicants for the offence punishable under sections

328 of the Indian Penal Code and under sections 65 and 66 of the Bombay Prohibition Act.

4. It is alleged that the applicants are carrying business of making illicit liquor. They were caught red-handed by the police. It is submitted that there is no material on record to show that the offence punishable under section 328 is committed by the applicants. It is submitted that so far as the other offences are concerned, they are bailable offences.

5. The learned APP appearing on behalf of the State submitted that the C.A. report has not been received by the Investigating Officer. A reply has been filed by the respondents in which it is alleged that the applicants are known as Rajendra Marwadi Kumbhar and Anil Marwadi Kumbhar and the applicants herein are the same persons against whom the complaint is lodged.

6. Since there is no material on record at this stage to indicate that the said illicit liquor was poisonous, prima facie case under section 328 of the Indian Penal Code has not been made out. There is no material to indicate that any person was hurt or injured after consuming the said liquor.

7. Under these circumstances, therefore, the applicants, in the event of their arrest in connection with C.R. No.32 of 2006 and C.R. No.31 of 2006 respectively which are registered with Hinjawadi Police Station, be released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount each. The applicants to attend the concerned Police Station as and when they are called.

8. It is clarified, however, that if C.A. report indicates that the liquor which was confiscated from the applicants contained poisonous substances, then liberty is granted to the respondents to apply for cancellation of bail.

9. Both the applications are disposed of in the above terms.

V.M. KANADE, J.